IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 927/2003
(Madan Lal Vs. State of Rajasthan)

Date of Order : 07/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Om Prakash Mehta for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

Heard learned counsel for the petitioner and the public prosecutor for the State. Perused the order dated 28.7.2003 passed by Judicial Magistrate, Pilibanga (for short 'the trial court' hereinafter) which has been impugned by the instant criminal misc. petition under Section 482 Cr.P.C.

It appears that civil suits were pending before the civil court titled as Sunder Lal Vs. Firm Radheshyam Ramswaroop being Suit No.17/98 and 18/98 and after trial, the suits were decided by judgment and decree dated 9.1.2002. It appears that in the suits, the books of accounts of the firm for

the Samwat Year 2052 and 2053 were forged and exhibited as Ex.A-2, A-3 and A-4 before the civil court. The civil court came to the conclusion that the petitioner with an dishonest and fraudulent intention forged the books of accounts, filed the same in the Court in order to cause loss to the plaintiff Sunder Lal of the rent. The petitioner came with a case that the rent to the plaintiff-landlord has been paid which in fact was not paid and it was only the forged entries made in the books of accounts of the petitioner, were produced. The trial court while deciding the suit, directed to file the complaint against the present petitioner. A notice under Section 340 Cr.P.C. was issued to the petitioner. An inquiry as contemplated under Section 340 Cr.P.C. was held. The Civil Court directed to file a complaint against the petitioner for the offences under Sections 465, 466, 467 and 471 IPC.

On careful perusal of the order impugned, in my view, the trial court was justified in passing the order impugned. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court. On the contrary, to secure the ends of justice, the allegation of forgery in the books of accounts filed in the civil court is required to be inquired into. In the circumstances, therefore, it is not a case warranting interference in the inherent jurisdiction. It is settled law that powers under Section 482 Cr.P.C. are to be exercised

sparingly, consciously and in exceptional cases, whereas the case in hand is not of that nature.

The criminal misc. petition has no force and it is therefore, dismissed. Ad-interim stay order stands vacated and stay petition also stands dismissed.

(H.R.PANWAR),J.

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